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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 11

**CHAPTER 11 TRUSTEE'S MOTION
FOR ORDER SHORTENING TIME
ON MOTION FOR ORDER
APPROVING SALE OF
EQUIPMENT FREE AND CLEAR
OF ALL LIENS, CLAIMS AND
INTERESTS, APPROVING NOTICE
THEREOF AND RELATED RELIEF**

Telephonic Hearing

Date: April 9, 2020

Time: 10:30 a.m. PT

Telephone: 877-402-9753

Access Code: 3001392

Mark D. Waldron, in his official capacity as the Chapter 11 Trustee (the
“Trustee”), hereby moves (the “Motion”) the Court pursuant to 11 U.S.C. § 105,
Rule 9006 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rule”)

1 and Rule 2002-1 of the Local Bankruptcy Rules of the above-captioned court
2 (“**LBR**”) for an Order, in the form attached hereto as **Exhibit A**, allowing the
3 *Chapter 11 Trustee’s Motion for Order Approving Sale of Equipment Free and*
4 *Clear of All Liens, Claims and Interests, Approving Notice Thereof and Related*
5 *Relief* (the “**Sale Motion**”) [ECF 519] to be heard on seven (7) days’ notice,
6 without three (3) additional days for mailing – such that notice of the Sale Motion
7 will be served by ECF and First Class U.S. Mail on or before April 2, 2020 and
8 the hearing will be heard on April 9, 2020 at 2:30 p.m. Objections would be due
9 the day before the hearing.

10 Bankruptcy Rule 9006(c)(1) provides that:

11 when an act is required or allowed to be done at or
12 within a specified time by these rules or by a notice
13 given thereunder or by order of the court, *the court for*
cause shown may in its discretion *with or without*
motion or notice order the period reduced.

14 *Id.*

15 Similarly, LBR 2002-1 provides,

16 A motion for an order reducing the time for making
17 objections to a proposed action may be made and
18 granted after notice and hearing for cause shown. Notice
19 of such a motion shall clearly state the reasons
20 supporting the necessity for a reduction of time and that
objections may be made to the requested reduction. The
objections will be considered by the court at the time of
hearing on the motion for the principal relief requested.

21 *Id.* On March 18, 2020, at the hearing on the *Amended Motion for Relief from*
22 *Automatic Stay; Abandonment of Property of the Estate; Waiver of FRBP*
23 *4001(a)(3)* filed by the Chelan Douglas Regional Port Authority, formerly the Port

1 of Douglas County (the “**Port**”) [ECF 478], the Court orally ruled that the Trustee
2 could file the Sale Motion on seven (7) days’ notice. A written order has not been
3 submitted. In an abundance of caution, the Trustee files this Motion.

4 Cause exists to hear the Sale Motion on shortened time. The Court has
5 ordered the Trustee to remove equipment from the site that the above-captioned
6 debtor had leased from the Port (the “**Pangborn Site**”) within 45 days of entry of
7 an order (the “**Abandonment Order**”) granting the Port’s motion. If the Trustee
8 fails to clear the Pangborn Site within that timeframe, then any property remaining
9 on the Pangborn Site after the deadline will be deemed abandoned. The
10 Abandonment Order was entered on March 24, 2020. Therefore, the Trustee must
11 remove equipment from the Pangborn Site by May 7, 2020.

12 In the Sale Motion, the Trustee asks permission to sell the majority of the
13 equipment on the Pangborn Site to a third party, subject to overbidding. Pursuant
14 to the proposed sale, the buyer will pick up and remove the purchased equipment
15 from the Pangborn Site on or before May 2, 2020, which is five days before the
16 court-mandated deadline of May 7, 2020. Therefore, the proposed purchaser is
17 operating under a deadline. As set forth in the declaration of Mark D. Waldron
18 filed in support of the Sale Motion [ECF 521], the equipment to be sold is heavy
19 and will take time and effort to remove. Shortened notice is required to allow the
20 purchaser sufficient time to remove the equipment from the Pangborn Site within
21 the deadline set forth in the Abandonment Order.

22 WHEREFORE, the Trustee requests entry of an Order;

23 1. Granting this motion;

2. Shortening time on the Sale Motion to seven days (without three extra days for mailing) with objections due on April 8, 2020;

3. Granting such other and further relief as the Court deems appropriate.

Dated: April 1, 2020

POTOMAC LAW GROUP PLLC

By: /s/ Pamela M. Egan
Pamela M. Egan (WSBA No. 54736)

*Attorneys for Mark D. Waldron, Chapter 11
Trustee*